

## **DISCLAIMER**

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## **APPLICATION OF**

**DUKE ENERGY WYTHE, LLC**

**CASE NO. PUE-2001-00721**

**For permission to construct  
and operate an electrical  
generating facility**

## **HEARING EXAMINER'S RULING**

**April 11, 2001**

On December 27, 2001, Duke Energy Wythe, LLC (the "Company") filed an application requesting that the State Corporation Commission (the "Commission") grant the Company a certificate of public convenience and necessity to construct a 620 MW natural gas-fired combined cycle electric generating plant (the "Facility") and associated facilities at a site located in Wythe County, Virginia. The East Tennessee Natural Gas "Patriot Extension," which will traverse the site, will supply natural gas as a fuel for the Facility. The Facility would interconnect with the electric grid at the American Electric Power, Inc. ("AEP") 765 kV Jacksons Ferry Substation, which adjoins the proposed site. The Facility requires water for its operations and it will be supplied from the Austinville Mine via a pipeline to be constructed from the mine to the site. The Facility is scheduled to commence commercial operation by the end of the second quarter 2004, and would sell all of its electric production on a wholesale basis to affiliates of Duke Energy North America, LLC.

By Order dated February 12, 2002, the Commission: docketed the Company's application; scheduled the application for hearing; directed the Company to provide public notice of the application; established dates for the filing of written comments, notices of participation, prepared testimony and exhibits; assigned the matter to a hearing examiner; and advised the Company that the application would be decided under § 56-580 D of the Code of Virginia.<sup>1</sup>

On March 28, 2002, the National Committee for the New River filed comments in this matter and requested a local hearing to accommodate the citizens of Wythe and Carroll Counties who may wish to comment on the application.

After considering the request, I find that two local hearings should be scheduled in Wytheville, Virginia for the sole purpose of receiving public comments on the Company's application. I further find, however, that the application should come on for hearing on June 25, 2002, in the Commission's Second Floor Courtroom as originally scheduled, for the presentation

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<sup>1</sup> Commonwealth of Virginia At the relation of the State Corporation Commission Ex Parte: In the matter of amending filing requirements for applications to construct and operate electric generating facilities, Case No. PUE010313, Document Control Center No. 010810174, slip op. (August 3, 2001).

of the Company's evidence in support of its application as well as the presentation of any testimony and exhibits by the Commission's Staff and participating respondents. Accordingly,

**IT IS DIRECTED THAT:**

(1) The procedural schedule and hearing date established by the Commission's February 12, 2002, order shall remain in full force and effect;

(2) Two local hearings to receive comments from public witnesses be, and the same are hereby, scheduled for 2:00 p.m. and 7:00 p.m. on May 29, 2002, to be conducted in the Wythe County Law Enforcement and Judicial Center, General District Courtroom, 245 South 4<sup>th</sup> Street, Wytheville, Virginia;

(3) On or before May 10, 2001, the Company shall complete the publication of the following notice, to be published as display advertising (not classified), once a week for two consecutive weeks in newspapers of general circulation in Wythe County and Carroll County, Virginia:

**NOTICE OF LOCAL HEARING ON APPLICATION OF  
DUKE ENERGY WYTHE, LLC, FOR PERMISSION TO  
CONSTRUCT AND OPERATE AN ELECTRICAL GENERATING  
FACILITY IN WYTHE COUNTY, VIRGINIA  
CASE NO. PUE-2001-00721**

On December 27, 2001, Duke Energy Wythe, LLC (the "Company") filed an application requesting that the State Corporation Commission (the "Commission") grant the Company a certificate of public convenience and necessity to construct a 620 MW natural gas-fired combined cycle electric generating plant (the "Facility") and associated facilities at a site located in Wythe County, Virginia. The East Tennessee Natural Gas "Patriot Extension," which will traverse the site, will supply natural gas as a fuel for the Facility. The Facility would interconnect with the electric grid at the American Electric Power, Inc. ("AEP") 765 kV Jacksons Ferry Substation, which adjoins the proposed site. The Facility requires water for its operations and it will be supplied from the Austinville Mine via a pipeline to be constructed from the mine to the site. The Facility is scheduled to commence commercial operation by the end of the second quarter 2004, and would sell all of its electric production on a wholesale basis to affiliates of Duke Energy North America, LLC.

By Order dated February 12, 2002, the Commission scheduled a public hearing on the application for June 25, 2002, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

The hearing examiner assigned to conduct this case has found it appropriate to schedule two additional hearings in Wytheville, Virginia for the purpose of receiving public comments on the application. The two local hearings will be held at 2:00 p.m. and 7:00 p.m. on May 29, 2002, in the Wythe County Law Enforcement and Judicial Center, General District Courtroom, 245 South 4<sup>th</sup> Street, Wytheville, Virginia.

Any person desiring to comment on the application need only appear fifteen minutes before the start of the hearing and identify himself or herself to the Commission's bailiff and complete an appearance form. Any additional information concerning this proceeding may be obtained from the Clerk of the State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218 and referring to Case No. PUE-2001-00721.

DUKE ENERGY WYTHE, LLC

(4) At the commencement of the May 29, 2002, hearing the Company shall provide the Commission with proof of notice required by ordering paragraph (3).

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Michael D. Thomas  
Hearing Examiner